

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5164 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KANAIYALAL B RATHOD

Versus

STATE OF GUJARAT

Appearance:

None present for Petitioner
MRS SIDDHI TALATI for Respondents No. 1 and 5
None present for other Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/09/97

ORAL JUDGEMENT

1. The matter was called out for hearing in the first round then in the second round in the first sitting and lastly in the third round in the second sitting of the Court but none put appearance for the petitioner. Perused the special civil application and heard the learned counsel for the respondents.

2. The petitioner challenges by this special civil application the validity and legality of the action of the respondent No.2 in rejecting his application for excavating minor minerals. The petitioner submitted an application for grant of lease for minor mineral, namely, sand from the river bed Sabarmati in Gandhinagar to the office of the respondent No.2 on February 18, 1982. By this application he prayed for lease of 10 hectares of land for a period of three years out of the Riverbed of Sabarmati adjoining to Survey No.282-A of village Motera. This application of the petitioner was declined to be accepted on the ground that the area demanded by the petitioner is in possession of Executive Engineer, Capital Project No.2 vide impugned letter dated 14th September, 1982. The petitioner has come up with a case that under the order dated 22-7-1983, 4 hectares of land from Survey No.282/A of Village Motera has been granted on lease to the petitioner for one year and he further stated that under the order dated 26th July, 1983 five persons have been granted lease of 4 hectares of same Survey No.282/A of Village Motera. Those persons were granted the lease for three years whereas the petitioner has been granted the lease for one year. So the petitioner's grievance is that he should also have been granted the lease of 4 hectares for three years as it has been done in the other cases.

3. This Court has admitted this petition of the petitioner on 22-12-1984 and lease itself would have been now expired long back even if it is taken to be for one year or three years.

4. In view of this fact, now nothing substantial survives in the matter and by passing of the time, this special civil application has become infructuous. Order accordingly. This special civil application is dismissed as having become infructuous. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

zgs/-